

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF
MISSOURI
EASTERN DIVISION

IN RE BANKAMERICA CORP.) MDL - 1264
SECURITIES LITIGATION)

ORDER

WHEREAS, on September 30, 2002, this Court issued an Order [Doc. 571] approving the terms of the settlement and revised plan of allocation in the above-referenced action (the "Action"); and

WHEREAS, in orders dated June 14, 2004 [Doc. 610], February 4, 2005 [Doc. 647], February 22, 2005 [Doc. 650], and October 4, 2006 [Doc. 686] the Court accepted the claims submitted by Authorized Claimants as determined by the Claims Administrator, including certain late-filed claims, and approved distributions of the Net Settlement Funds to the Authorized Claimants; and

WHEREAS, this Court has retained jurisdiction over this Action for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the settlement; and

WHEREAS, this Court and lead counsel have overseen and continue to closely oversee the processing of Proofs of Claim and the distribution of the Net Settlement Funds to the Authorized Claimants; and

WHEREAS, this Court, with the assistance of lead counsel, has recovered over \$415,000 in assets which had been fraudulently stolen from the NationsBank Net Settlement Fund; and

WHEREAS, after considering the history of this case (including the collection of assets and the payment of prior distributions and administrative expenses) this Court finds the distributions to the Authorized Claimants set out below to be fair and feasible;

NOW THEREFORE, upon reading the status reports submitted by counsel for the lead plaintiffs, and upon a review of all prior proceedings herein and after due deliberation, it is hereby:

ORDERED, that any and all outstanding checks issued to Authorized Claimants in the NationsBank and BankAmerica Classes dated more than one hundred and eighty (180) days prior to the date of this Order are void; and

ORDERED, that Heffler, Radetich & Saitta, L.L.P., shall distribute four million, seven-hundred-and-fifty thousand dollars (\$4,750,000.00) from the NationsBank Net Settlement Fund to all Authorized NationsBank Class Claimants who would receive a pro rata minimum of one hundred dollars (\$100.00) and who filed valid claims as described in the Court's orders dated June 14, 2004 [Doc. 630], February 22, 2005 [Doc. 650], and October 4, 2006 [Doc. 686]; and

ORDERED, that Heffler, Radetich & Saitta, L.L.P., is hereby ordered to distribute one million, seven-hundred-and-fifty thousand dollars (\$1,750,000.00) from the BankAmerica Net Settlement Fund to all Authorized BankAmerica Class

Claimants who would receive a pro rata minimum of one hundred dollars (\$100.00) and who filed valid claims as described in the Court's orders dated June 14, 2004 [Doc. 630], February 4, 2005 [Doc. 647], and October 4, 2006 [Doc. 686]; and

ORDERED, that Heffler, Radetich, & Saitta, L.L.P., is hereby ordered to re-issue two (2) checks totaling four thousand, seven hundred, and forty-eight dollars and thirteen cents (\$4,748.13) to certain members of the NationsBank Class who timely filed valid claims; and

ORDERED, that Heffler, Radetich, & Saitta, L.L.P., is hereby ordered to re-issue two (2) checks totaling six hundred and forty-six dollars and forty-eight cents (\$646.48) to certain members of the BankAmerica Class who timely filed valid claims; and

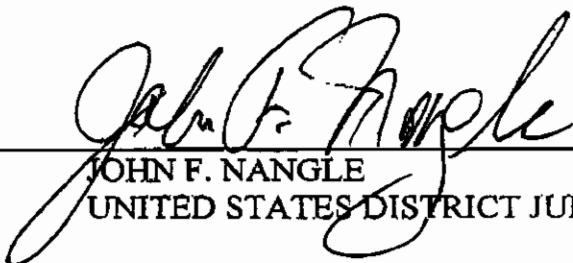
ORDERED, that all checks issued pursuant to this Order which are outstanding ninety (90) days from the issue date of the check shall be VOID and shall not be re-issued; and

ORDERED, that all checks issued pursuant to this Order shall bear the following notation: "CASH PROMPTLY, VOID IF NOT CASHED WITHIN 90 DAYS FROM DATE ISSUED"; and

ORDERED, that the reasonable administrative expenses of Heffler, Radetich & Saitta, L.L.P., associated with the distributions authorized by this Order and as approved by this Court be paid from the Net Settlement Funds; and

ORDERED, that this Court retains continuing jurisdiction over this Action for the purpose of considering any further application or matter which may arise in connection with the administration and/or execution of the settlement.

SO ORDERED this Sixteenth day of June, 2008.



JOHN F. NANGLE
UNITED STATES DISTRICT JUDGE